

**TRAVIS COUNTY
DISTRICT AND COUNTY
CRIMINAL COURTS**



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TO: Travis County Criminal Courts
THROUGH: Judge Brenda Kennedy, Presiding Judge of the Criminal Courts
FROM: Debra Hale, Director of Criminal Courts Management
DATE: March 10, 2020
RE: 2019 Novel Coronavirus (COVID-19) Criminal Courts Preparedness Plan

An outbreak of the Coronavirus is causing concern across the world and here in Texas. While there are currently no confirmed COVID-19 cases in Travis County, this plan was developed to assist the Courts with a plan to prepare and respond in the event that the virus continues to spread.

In 2008, the Supreme Court of Texas established the Task Force to Ensure Judicial Readiness in Times of Emergencies (JRITE) designed to establish an emergency program to prevent or manage disrupted court operations in emergencies. In 2016, the Supreme Court of Texas created the Task Force for Judicial Emergency Preparedness (TFJEP). The TFJEP was charged with reviewing the status of the Interim Plan's implementation across this State, and evaluate the adequacy of the Interim Plan as an ongoing means of ensuring that the Texas judiciary can continue performing its essential functions amid disruptive events. To view the resources, issues during disasters, and public health laws related to the Task Force on Judicial Emergency Preparedness, please refer to:

<https://www.txcourts.gov/organizations/policy-funding/task-force-on-judicial-emergency-preparedness/jrite-resource-archives/>

The ultimate goal of the preparedness plan is to allow courts to operate in a way that protects the health and safety of everyone at court facilities and to keep courts open to ensure the justice system continues.

Prevention¹

Obviously, the most important step in responding to the Coronavirus is prevention. The Center for Disease Control (CDC) has issued the following prevention tips:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.
- Follow CDC's recommendations for using a facemask.
 - **CDC does not recommend that people who are well wear a facemask to protect themselves from respiratory diseases, including COVID-19. Facemasks should be used by people who show symptoms of COVID-19 to help prevent the spread of the disease to others. The use of facemasks is also crucial for health workers and people who are taking care of someone in close settings (at home or in a health care facility).**
- Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing.
 - If soap and water are not readily available, use an alcohol-based hand sanitizer with at least 60% alcohol. Always wash hands with soap and water if hands are visibly dirty.

¹<https://www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html>

Preparation

While we are not aware of any confirmed cases in Travis County, courts should prepare now to ensure a proper response if an outbreak occurs. The following positions, in order of priority, are each authorized to make decisions in emergencies including evacuation (partial or total) and the closing of court operations:

- Presiding Judge of the Criminal Courts - Judge Brenda Kennedy
- Local Administrative Judge of the County Courts at Law- Judge Elisabeth Earle
- Director of Court Management - Debra Hale
- Courts Services Program Manager – Margaret Terronez

The positions listed above are referred to collectively as the Leadership Group. The Leadership Group determines:

1. **Essential functions that must continue if an outbreak occurs in our jurisdiction.**

Essential functions are defined as court hearings that cannot be continued indefinitely. In this type of emergency, we would only conduct essential functions. Examples include:

- Bond Review Docket
- Jail Dockets – Misdemeanor and Felony
- Protective Orders
- Search/Arrest Warrants

Criminal jury trials do not fall into an essential function until well after 90 days. Plus, we need to pay particular attention to whether or not to conduct jury trials where large numbers of possibly infected people would report, thereby increasing the chances of transmission of the disease.

2. **Essential Staff.** In the event of a Coronavirus outbreak, one of the best ways to prevent the spread of the disease is isolation. However, not all judges and court staff can stay home if court functions are to be continued. The Presiding Judge of the Criminal Courts has determined in advance that the following individuals will be expected to come to work in the event of an outbreak:

- a) The District Courts Duty Judge (per the schedule for warrant affidavits) and his/her staff to handle emergency matters and felony jail dockets).
 - b) A County Court at Law Judge (per the Bond Review Docket Schedule) and Court Administration and/or court staff to handle emergency matters and misdemeanor jail dockets.
 - c) A skeleton crew in the Court Administrator's Office, as determined by the Director of Court Administration.
3. **Remote Work Possibilities.** It may be possible for some of the staff to continue working from home. Judges may be able to conduct telephonic hearings or videoconferencing. Staff can access the courts computer network remotely. Other technology telecommuting possibilities are being explored by the Courts Technology Team under the direction of the Director of Courts Technology, Mark Erwin.
4. **Good Communication with Employees of the Criminal Courts.** Non-essential staff should be encouraged to stay home. To determine who needs to report to work in an emergency Coronavirus outbreak, please visit our website after 5:00 a.m. each day at:
- <https://www.traviscountytexas.gov/courts/criminal>
5. **Good Communication with the Capital Area Private Defender Service, Austin Criminal Defense Lawyer's Association, Criminal Justice Stakeholders and the Public.** If courts should have a need to close or limit services, notice will be given to the public and defense bar using our local website. If the main Criminal Courts website is not available, the Courts Technology Team may post information to the link below :

<https://www.traviscourtapplications.org>

Action²

Should an outbreak occur, the following information will assist us:

Public Health Authority

Federal public health powers are vested with the President, Department of Health and Human Services and the Centers for Disease Control and Prevention. The Secretary of Health and Human Services is vested with powers to assist states in enforcing their own quarantine orders.

The power to quarantine and impose isolation is a power of the states, defined in Texas in the Health & Safety Code Chapter 81. On the local level, the local health authority (HA) is the main contact for making and implementing control measures and ensuring public safety, including quarantines. HA's must be appointed in municipalities or counties with established local health departments or public health districts, as well as in municipalities or counties receiving grants from DSHS for essential public health services. Either the Commissioner of DSHS or the local HA may establish an area quarantine and is required to notify the governing body of the affected county or municipality.

Implementation of the Coronavirus Emergency Preparedness Plan

The leadership group of the Criminal Courts (e.g. Presiding Judge of the Criminal Courts, etc.) will decide whether to implement the Coronavirus Emergency Preparedness Plan in collaboration with other key criminal justice stakeholders. Should the plan be implemented, Court Administration will immediately implement our communication strategy with court employees, the public and defense bar as identified above.

²Much of the information in this section is taken from the publication "Control Measures and Public Health Emergencies: A Texas Bench Book," Health Law and Policy Institute, University of Houston Law Center, 2020. Each Texas judge received a copy of this text. It can also be downloaded at the following website:
<https://www.law.uh.edu/healthlaw/HLPIBenchBook.pdf>

Quarantine

While the state and local health authorities generally have responsibility for establishing quarantine control methods, a court may need to become involved if a person does not comply with those control orders from the health authority. Chapter 81, Health and Safety Code, sets out the procedures in such cases. A bench book at: <https://www.law.uh.edu/healthlaw/HLPIBenchBook.pdf> 2 provides guidance and forms for district judges who are responsible for hearing these cases.

To ensure quick response and continuity, the Regional Presiding Judges and Chief Justice Nathan Hecht have identified several judges from each region of the state who are being assigned to hear proceedings under Chapter 81, Health and Safety Code. These judges will be on-call for the proceedings should the need arise in an emergency or after-hours situation. Your regional presiding judge can provide you additional information on the assignments in your region.

It is contemplated that these judges will be "on-call" on specific days of the month to handle emergency matters brought by Assistant AGs or District Attorneys for an emergency Protective Order. They may be hearing ex parte information in Regions far from the judge's county of residence. Due process hearings must be held the next day by 4PM. Often it will be agreed that the hearing should be handled by the judge of the court of the residence of the respondent. Appearances via Skype or similar services are recommended where possible to avoid the obvious potential for the spread of the novel virus.

We all hope the spread of the coronavirus will be contained and that most people will recover rapidly and the epidemic will rapidly diminish. We must, however, be prepared and aware so that we may protect the people whom we serve. I am pleased to announce the four judges of the Third Region whom I have appointed. They will be among the cadre of judges across the state to deal with the emergency situations contemplated.

Judge Gordon Adams of Bell County

Judge Ryan Larson of Williamson County

Judge Karin Crump of Travis County, and

Judge Tim Sulak of Travis County

COVID-19 Contact Information

If you have additional questions or a situation arises that is not addressed in this plan, please contact the following:

- Department of State Health Services COVID-19 Call Center – 1-877-570-9779
- Austin Public Health – 512-972-5555

Employee Acknowledgement Form

I acknowledge I have received the 2019 Novel Coronavirus (COVID-19) Criminal Courts Preparedness Plan and I understand that it is my responsibility to read and comply with these policies and any revisions made to it.

EMPLOYEE NAME (printed):

EMPLOYEE'S SIGNATURE:

DATE:
